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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

OPERATIVE PLASTERERS & CEMENT) CASE NO. 07-CV-11085
MASONS LOCAL 262 PENSION AND ANNUITY)
FUNDS, Derivatively On Behalf of Nominal)
Defendant MERRILL LYNCH & CO., INC.,)
)
Plaintiff,)
)
vs.)
)
E. STANLEY O'NEAL, AHMASS L.)
FAKAHANY, GREGORY J. FLEMING, JEFFREY)
N. EDWARDS, CAROL T. CHRIST, ARMANDO)
D. CODINA, VIRGIS W. COLBERT, ALBERTO)
CRIBIORE, JOHN D. FINNEGAN, JUDITH)
MAYHEW JONAS, JOSEPH W. PRUEHER, ANN)
N. REESE, CHARLES O ROSOTTI,)
)
Defendants,)
)
and)
)
MERRILL LYNCH & CO., INC.,)
)
Nominal Defendant.)

PLAINTIFF'S NOTICE OF WITHDRAWAL OF MOTION TO REMAND

Plaintiff Operative Plasterers & Cement Masons Local 262 Pension and Annuity Funds hereby gives notice that it is withdrawing its motion to remand the above-referenced action to the Supreme Court of the State of New York.

Dated: February 21, 2008

By: S/
Richard Brualdi

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